



PLANNING COMMISSION AGENDA REPORT

TL 1.

MEETING DATE: OCTOBER 24, 2005

ITEM NUMBER:

SUBJECT: ONE-YEAR TIME EXTENSION FOR PLANNING APPLICATION PA-04-22
330 EAST 15TH STREET

DATE: OCTOBER 13, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136

DESCRIPTION


The applicant requests a one-year extension of time for a project approved by the Planning Commission to allow the construction of a 3-unit, small-lot common interest development with deviations from average lot size and driveway width requirements.

APPLICANT

Linda Stiefel is the property owner and applicant for this time extension request.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 330 East 15th Street Application: PA-04-22

Request: Extension of time for design review to construct a 3-unit, 2-story, small lot, common interest development with a minor modification for a reduction in driveway width (16 ft. required; 10 ft. proposed) and a variance from average lot size requirements (3,500 sq. ft. average required; 3,251 sq. ft. average proposed).

SUBJECT PROPERTY:

Zone: R2-MD
 General Plan: Medium Density Residential
 Lot Dimensions: 69 ft. x 168 ft.
 Lot Area: 11,592 sq. ft.
 Existing Development: Two apartment units.

SURROUNDING PROPERTY:

North: R2-MD
 South: Residential (Newport Beach)
 East: R2-MD
 West: Newport Heights Elementary (Newport Beach)

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
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Lot Size:		
Lot Width (Development Lot)	100 ft.	60 ft.*
Lot Area (Development Lot)	12,000 sq. ft.	11,592 sq. ft.*
Lot Area (Indiv. Lot Minus Common Area)	3,000 sq. ft. min./3,500 sq. ft. avg.	3,002 sq. ft. min./3,251 sq. ft. avg.
Density:		
Zone/General Plan	1 du/3,630 sq. ft.	1 du/3,864 sq. ft.
Building Coverage (Development Lot):		
Buildings	N/A	31% (3,569 sq. ft.)
Paving	N/A	22% (2,613 sq. ft.)
Open Space	40% (4,636.8 sq. ft.)	47% (5,410 sq. ft.)
TOTAL	100%	100% (11,592 sq. ft.)
Open Space (Individual Lots)	40%	Lot 1 46% (1,546 sq. ft.) Lot 2 46% (1,387 sq. ft.) Lot 3 47% (1,622 sq. ft.)
Building Height:	2 stories/27 ft.	2 stories/ 23 ft.
Ratio of 2 nd floor to first floor***	80%	Lot 1 83% (1,037 sq. ft./1,242 sq. ft.) Lot 2 88% (931 sq. ft./1,057 sq. ft.) Lot 3 78% (985 sq. ft./1,270 sq. ft.)
Setback (Development Lot)		
Front	20 ft.	20 ft.
Side (left/right)	5 ft./5 ft.	5 ft./5 ft.
Rear (1 st story/2 nd story)	10 ft./20 ft.	11 ft./20 ft.
2 nd Floor Side Setbacks (left/right)***	10 ft. average	Lot 1 8.3 ft. avg./ 25 ft.+ Lot 2 7 ft. avg./ 35 ft. + Lot 3 5 ft./5 ft.
Rear Yard Coverage	25% (345 sq. ft.)	25% (343 sq. ft.)
Separation between units	10 ft.	10 ft. min.
Private Open Space	400 sq. ft./ 15 ft. min. dimension	400 sq. ft./ 15 ft. min. dimension
Parking:		
Covered	6	6
Open	6	6
TOTAL	12 Spaces	12 Spaces
Driveway Width:	16 ft.	10 ft. min.
Driveway parkway	10 ft. wide/ 3 ft. min. dimension	16 ft. wide/ 3 ft. min. dimension

CEQA Status Exempt, Class 32
 Final Action Planning Commission

*Existing nonconforming.

**Variance requested.

***Design guidelines.

****Minor Modification requested.

BACKGROUND/PROJECT DESCRIPTION

On September 27, 2004, the Planning Commission approved the subject application to allow construction of a 3-unit, 2-story, small-lot common interest development with a minor modification for reduced common driveway width (16 feet required; 10 feet proposed) and a variance from average lot size (3,500 square feet average required; 3,251 square feet proposed). Planning Commission found that approval of the variance from average lot size would be consistent with the General Plan goals and objectives for additional home ownership opportunities within the City as well as to allow a quality development on the property. On July 25, 2005, Planning Commission approved Parcel Map PM-04-255 to allow subdivision of the lot to accommodate the previously approved project.

Project approval is valid for one year unless building permits are obtained. However, Code allows the final review authority (in this case, Planning Commission) to extend a planning application for successive periods of one year upon showing of good cause by the applicant. Due to health problems with the project engineer, the applicant was unable to obtain permits prior to the project expiration, and requests an extension of time.

ANALYSIS

The project still meets applicable residential design guidelines and all development standards for the residential zone are unchanged since this project was approved. The General Plan goals and objectives also are unchanged since project approval.

The original staff report for the September 27, 2004, meeting is attached for reference.

ALTERNATIVES

The proposed project could not be built if the requested extension of time is denied.

ENVIRONMENTAL DETERMINATION

The time extension request is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

The proposed project is the same as that approved by Planning Commission last year. Applicable code sections and residential design guidelines have not changed since Planning Commission's approval. Applicable General Plan goals and objectives are also the same since project approval.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Planning Commission Agenda Report for September 27, 2004
 Zoning/Location Map
 Plans
 Letter from Applicant Requesting Time Extension

cc: Deputy City Mgr.-Dev. Svs. Director
Acting City Attorney
Sr. Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Linda Stiefel
3359 Via Tivoli
Costa Mesa, CA 92626

File: 102405PA0422TE	Date: 101005	Time: 10:15 a.m.
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RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING A ONE-YEAR TIME
EXTENSION FOR PLANNING APPLICATION PA-04-22**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Bradford L. Smith, representing the property owner, Linda Stiefel, with respect to the real property located at 330 East 15th Street, requesting approval of design review to construct a 3-unit, 2-story, small lot, common interest development with a minor modification for reduced common driveway width (16 ft. required; 10 ft. proposed) and a variance from average lot size (3,500 sq. ft. average required; 3,251 sq. ft. average proposed); and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 24, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** a one-year time extension for Planning Application PA-04-22 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-04-22 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 24th day of October, 2005.

Bill Perkins, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on October 24, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed variance does comply with Costa Mesa Municipal Code Section 13-29 (g) because special circumstances applicable to the property do exist, and application of development standards would deprive such property of privileges enjoyed by others in the vicinity under identical zoning classifications. Approval of the variance would not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. For example, adjacent to the property there is permanent open space which is provided at the school, and to require the property owner to develop the property as condominiums would actually reduce the amount of landscaped area provided within the overall development and reduce the quality of the overall development. The narrow width of the site precludes homes from fronting on 15th Street and even though, as condominium units, the same number of structures could be built, it would be an inferior development. The General Plan encourages development of ownership housing, and strict compliance with lot size limitations would be inconsistent with the intent of the General Plan in this case.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14)(a) in that the proposed construction is substantially compatible and harmonious with existing and/or anticipated development on surrounding properties. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and plane breaks, and any other applicable design features.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project, as conditioned, is consistent with Chapter IX, Article 12, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.
- E. The rear building of this development is at an excessive distance from the street, but the plan does not lend itself to fire apparatus access or placement of an on-site fire hydrant. Problems associated with the depth of buildings on the property can be somewhat reduced by installation of a residential sprinkler system.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- PIng. 1. Approval for this project will expire on September 27, 2006, unless building permits are obtained or the applicant requests, and is granted, an extension of time.
2. Project shall comply with all conditions of approval and Code requirements as originally approved for PA-04-22.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: SEPTEMBER 27, 2004

U1.5.
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-04-22
330 EAST 15TH STREET

DATE: SEPTEMBER 16, 2004

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

DESCRIPTION

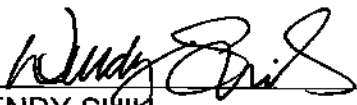
The applicant is requesting approval of a design review to construct a 3-unit, 2-story, small lot, common interest development with a minor modification for a reduction in driveway width (16 ft. required; 10 ft. proposed) and a variance from average lot size requirements (3,500 sq. ft. average required; 3,251 sq. ft. average proposed).

APPLICANT

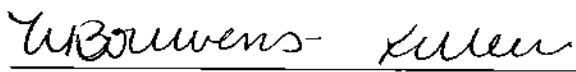
Bradford L. Smith is representing the property owner, Linda Stiefel.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.



WENDY SHIH
Associate Planner



WILLA BOUWENS-KILLEEN
Senior Planner

PLANNING APPLICATION SUMMARY

Location: 330 East 15th Street Application: PA-04-22

Request: Design review to construct a 3-unit, 2-story, small lot, common interest development with a minor modification for a reduction in driveway width (16 ft. required; 10 ft. proposed) and a variance from average lot size requirements (3,500 sq. ft. average required; 3,251 sq. ft. average proposed).

SUBJECT PROPERTY:

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 Lot Area: 11,592 sq. ft.
 Existing Development: Two apartment units.

SURROUNDING PROPERTY:

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 East: R2-MD
 West: Newport Heights Elementary (Newport Beach)

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
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Lot Size:		
Lot Width (Development Lot)	100 ft.	60 ft.*
Lot Area (Development Lot)	12,000 sq. ft.	11,592 sq. ft.*
Lot Area (Indiv. Lot Minus Common Area)	3,000 sq. ft. min./3,500 sq. ft. avg.	3,002 sq. ft. min./3,251 sq. ft. avg.**
Density:		
Zone/General Plan	1 du/3,630 sq. ft.	1 du/3,864 sq. ft.
Building Coverage (Development Lot):		
Buildings	N/A	31% (3,569 sq. ft.)
Paving	N/A	22% (2,613 sq. ft.)
Open Space	40% (4,636.8 sq. ft.)	47% (5,410 sq. ft.)
TOTAL	100%	100% (11,592 sq. ft.)
Open Space (Individual Lots)	40%	Lot 1
		46% (1,546 sq.ft.)
		Lot 2
		46% (1,387 sq.ft.)
		Lot 3
47% (1,622 sq.ft.)		
Building Height:	2 stories/27 ft.	2 stories/ 23 ft.
Ratio of 2 nd floor to first floor***	80%	Lot 1
		83% (1,037 sq. ft./1,242 sq. ft.)
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		88% (931 sq. ft./1,057 sq. ft.)
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78% (985 sq. ft./1,270 sq. ft.)		
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Front	20 ft.	20 ft.
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2 nd Floor Side Setbacks (left/right)***	10 ft. average	Lot 1
		8.3 ft. avg./ 25 ft.+
		Lot 2
		7 ft. avg./ 35 ft. +
		Lot 3
5 ft./5 ft.		
Rear Yard Coverage	25% (345 sq. ft.)	25% (343 sq. ft.)
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CEQA Status Exempl, Class 32
 Final Action Planning Commission

*Existing nonconforming.

**Variance requested.

***Design guidelines.

****Minor Modification requested.

BACKGROUND/PROJECT DESCRIPTION

This application was scheduled for the Planning Commission meeting of September 13, 2004. In response to Planning Commission's concerns at the September 7, 2004, study session, the applicant requested a continuance to revise the plan. The revised plan eliminates the request for the minimum lot size variances.

Original Proposal

Lot 1	Lot 2	Lot 3	Average Lot Size
3,000 sq.ft.	2,884 sq.ft.	3,508 sq.ft.	3,131 sq.ft. average

Revised Proposal

Lot 1	Lot 2	Lot 3	Average Lot Size
3,346 sq.ft.	3,002 sq.ft.	3,406 sq.ft.	3,251 sq.ft. average

The property is developed with two apartment units. The applicant proposes to demolish the units and construct a 3-unit, 2-story, small lot common interest development. All three units will have three bedrooms and three bathrooms, ranging in size from 1,988 sq. ft. to 2,279 sq. ft. (including garage). The revised proposal includes the previously requested variance from average lot size (3,500 sq. ft. average required; 3,251 sq. ft. average proposed) and a new request for a minor modification to allow a reduction in the common lot driveway width (16 ft. required; 10 ft. proposed).

ANALYSIS*VARIANCE FOR AVERAGE LOT SIZE*

The Zoning Code requires single-family units located on individual dwelling unit lots, to have a minimum of 3,000 sq. ft. with an overall average of 3,500 sq. ft. lot sizes. The required common lot, which includes driveway and at least 10 ft. of street setback landscaping, is not included in the calculation of lot area. Lot sizes may be reduced proportionately if other useable open space is provided within the overall development.

The proposal requests a variance from the average lot area requirement. Staff cannot support this request for a number of reasons. First, no other useable open space is provided within the overall development to qualify for the lot reduction.

Second, special circumstances applicable to the property, such as lot size, shape, or topography do not exist to justify approval of the variance. Although the lot width and size are existing, nonconforming (100 ft. wide and 12,000 sq. ft. required; 60 ft. wide and 11,592 sq. ft. existing), and the density allowance is 3 units, there are several other recent development proposals on nonconforming lots that comply with development standards. The following table lists some of those projects.

2459 Elden Avenue	60' x 300' lot (nonconforming lot width)	4 units allowed; 3 SFR units proposed/approved
2441 Elden Avenue	66' x 305' lot (nonconforming lot width)	5 units allowed; 4 SFR units proposed/approved
1561 Orange Avenue	98' x 125' lot (nonconforming lot width)	3 units allowed; 3 SFR units proposed/approved

1992 Anaheim Avenue	56.78' x 194.2' = 11,027 sq. ft. lot (nonconforming lot width and size)	3 units allowed; 3 apartment units proposed
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The last property (1992 Anaheim Avenue) contains an existing single-family residence on the front of the lot and cannot meet the driveway landscaping requirement. With exception of that requirement, all other development standards are met. With a minimum of 3 units on the property, code allows a development to be a common-interest development. However, since that particular property cannot satisfy development standards for a common-interest development, they are proposing rental units.

It is staff's opinion that approval of the variance from average lot size would constitute a grant of special privilege inconsistent with the limitation upon other properties in the multiple-family residential zones. The proposal for small-lot, single-family homes with the variance is inconsistent with the General Plan land use objectives in that LU-1C.5 requires consideration of "development standards which tie density to lot width as well as area".

Staff is also concerned about the lot line configuration proposed to subdivide the lots, especially between Lots 2 and 3. The lot line dividing those lots includes jogs and Lot 2 extends into the common drive/back-out area in front of the Lot 3 driveway/open parking spaces. The untidy lot line would make maintenance responsibilities confusing.

MINOR MODIFICATION FOR DRIVEWAY WIDTH

The applicant requests a minor modification for reduced common driveway width (16 ft. required; 10 ft. proposed) in order to increase the individual lot sizes and to eliminate the minimum lot size variance. Staff is not opposed to the minor modification for common driveway width reduction because it would serve only three units and would still provide adequate access for all three units. However, as discussed above, staff cannot support the variance from average lot size requirements. A reduction in common driveway width and an increase in individual lot sizes would not eliminate the proposed variance.

If the Planning Commission approves the project with a variance from average lot size requirement and minor modification for a reduction in common driveway width, staff is recommending conditions to increase the planter areas adjacent to the residences on Lots 1 and 2 to match the property line separating individual lots and common lot, and to reduce the drive approach to match the reduced driveway width. The landscaping/open space calculations in the summary table include the added planter areas.

DESIGN REVIEW FOR TWO-STORY CONSTRUCTION

The revised plan eliminates the need for minimum lot size variance by reconfiguring the lot lines. The design of the two-story structures remain unchanged.

With exception of the requested variance, the proposed construction meets or exceeds all residential development standards and the intent of the design guidelines. Buildings 1 and 2 each propose more than 80% second-to-first floor ratio (83% for Bldg. 1 and 88% for Bldg. 2), and none of the buildings provide a 10 ft. average second floor side setback (5ft. – 8 ft. average proposed on the left (west) side and 5 ft. – 25 ft.+ on the right (east) side). However, they incorporate variable rooflines and multiple building planes to break up the elevations and provide architectural interest and visual relief on the sides.

Staff has conducted a field inspection and is of the opinion the proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood. There are many 2-story residences in the area so it would not appear out of place or obtrusive. Privacy impacts are minimized because: (a) the property is separated from the adjoining residences to the right (east) by a driveway; (b) the residence on the lot to the rear (north) is angled in such a way that window alignment is offset; and (c) Newport Heights Elementary School's playground area abuts the subject site to the left (west).

ALTERNATIVES

The Planning Commission may consider the following options:

1. Deny Planning Application PA-04-22 for the two-story, small-lot, common interest development.
2. Deny the variance for average lot size and minor modification for reduced driveway width but approve the design review for three, two-story units. The units can be rental units or airspace condos provided that all applicable development standards, including, but not limited to parking and open space requirements, are met.
3. Approve Planning Application PA-04-22 for the two-story, small-lot, common interest development, subject to conditions.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

Although the proposed construction complies with the development standards and the intent of the design guidelines, special circumstances do not exist to justify approval of the variance from average lot size requirements. It is staff's opinion that approval of the variance would constitute a grant of special privileges inconsistent with the limitation upon other properties in the multiple-family residential zones. The untidy lot lines would also make maintenance responsibilities confusing. The previous staff report and plans for the original proposal are attached for your reference.

Attachments: Draft Planning Commission Resolution

Exhibit "A" - Draft Findings

Exhibit "B" - Draft Conditions of Approval

Applicant's Project Description and Justification

Zoning/Location Map

Plans (revised)

Planning Commission Agenda Report for the September 13, 2004, meeting

Plans (original)

cc: Deputy City Mgr.-Dev. Svs. Director
Acting City Attorney
Sr. Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Bradford L. Smith
365 B Old Newport Blvd.
Newport Beach, CA 92663

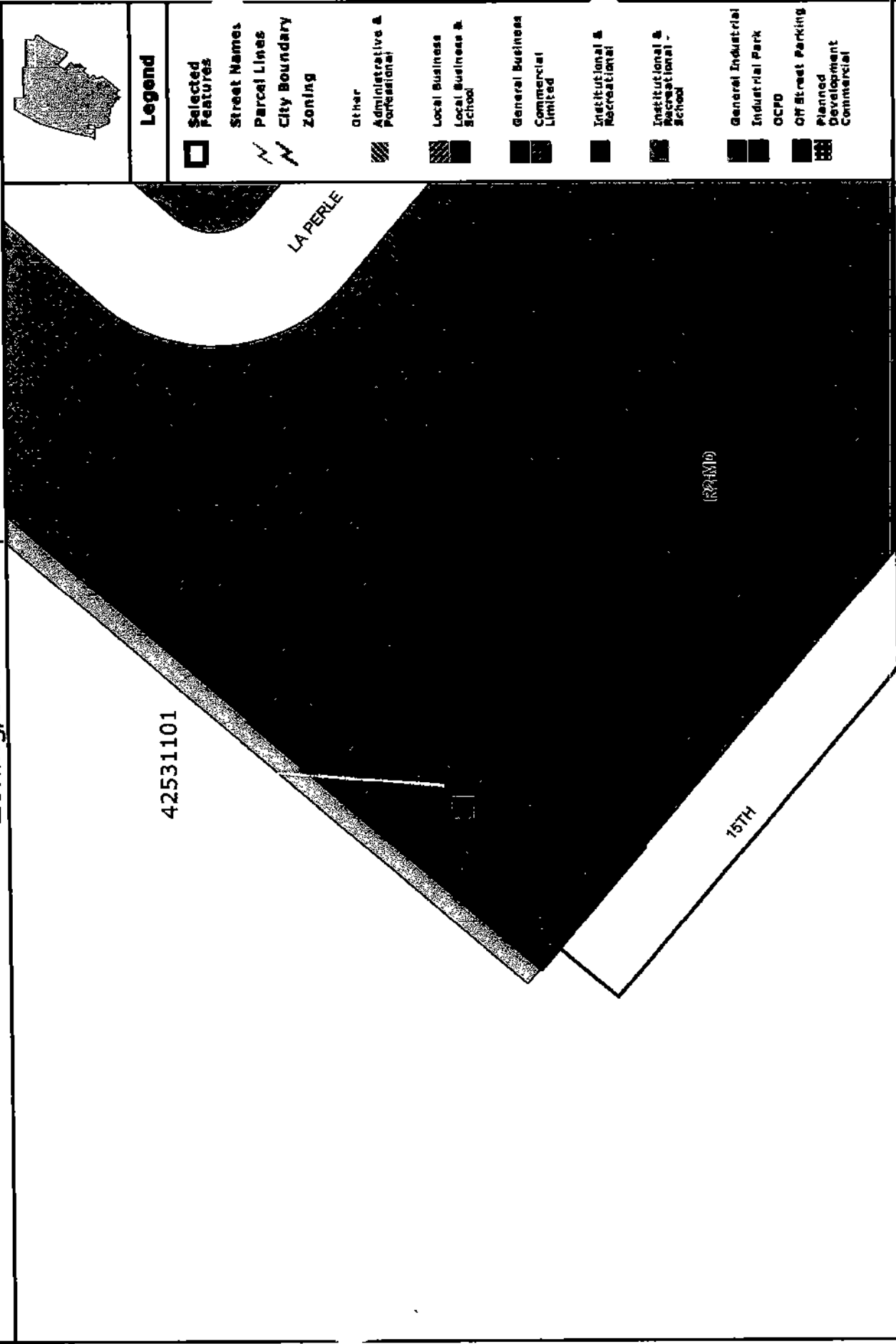
Linda Stiefel
3359 Via Tivoli
Costa Mesa, CA 92626

File: 092704PA0422Wendy	Date: 091504	Time: 800p.m.
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330 East 15th Street

Zoning/Location Map



330 East 15th Street

Aerial Photograph



Legend



Selected Features

Street Names

Parcel Lines

City Boundary

Ortho

Photography

Parcels

Linda Stiefel

3359 Via Tivoli
Costa Mesa, CA 92626
949-350-2867
llstiefel@hotmail.com

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To: the City of Costa Mesa

This letter shall serve as a formal request for a "Time Extension" for the pulling of permits for development at 330 E. 15th St. Costa Mesa, 92627.

The reason for the request is that the engineer for the project, Ron Winterburn (Valley Consultants) suffered from prostate cancer, had surgery and was hospitalized during the middle of preparing the engineering work for this project. Subsequently, we have been substantially delayed in the progress of submitting grading plans.

I thank you for your consideration in this matter.

Sincerely,

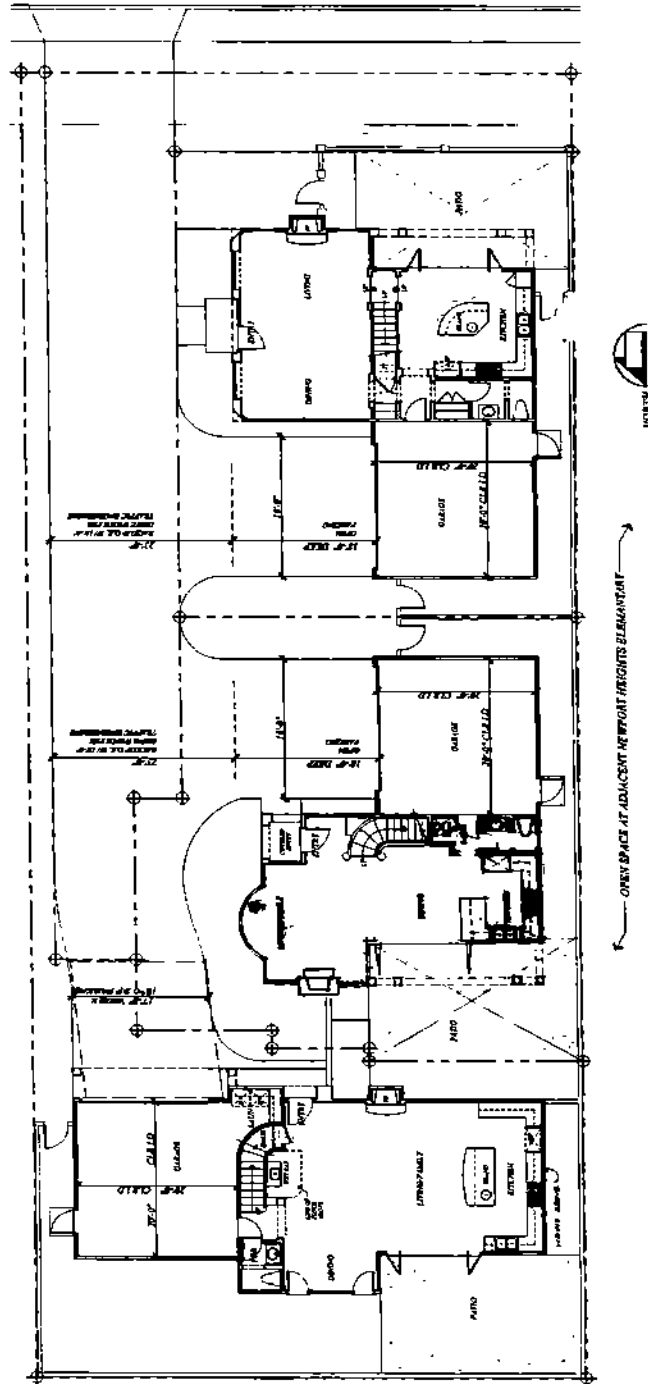
Linda Stiefel, owner
Linda Stiefel

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A PROJECT FOR:
15th. ST. DEVELOPMENT LLC.
 OWNER ADDRESS:
 330 E 15th. ST.
 COSTA MESA, CA 92627

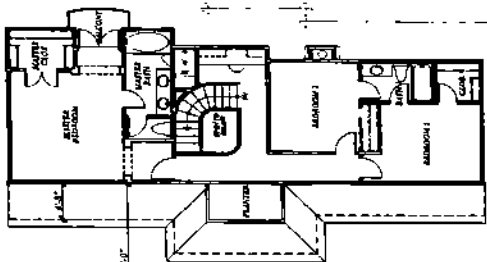
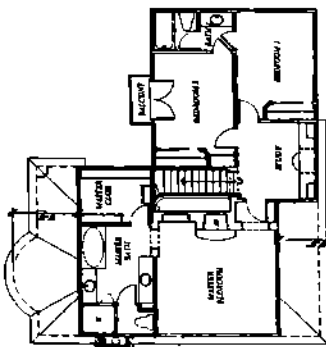
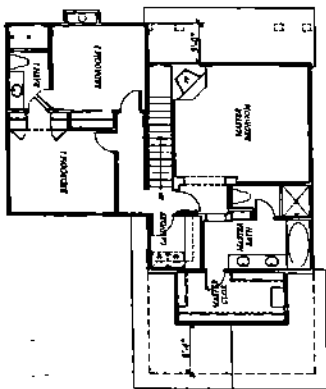
FLOOR PLANS

BRADFORD C. SMITH, ARCHITECT
 (949) 631-3682 FAX: (949) 631-3685
 365 B OLD NEWPORT BLVD.
 NEWPORT BEACH, CALIFORNIA



SECOND FLOOR PLANS

SCALE 1/8" = 1'-0"



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15th, ST. DEVELOPMENT CO.
OWNER ADDRESS:
330 E 15th ST.
COSTA MESA, CA 92627

EXT. ELEVATIONS

BRADFORD C. SMITH, ARCHITECT
(949) 631-3682 FAX: (949) 631-3685
365 B OLD NEWPORT BLVD.
NEWPORT BEACH, CALIFORNIA

